

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**JAIME PEREZ-VALENZUELA,
JUAN CASTELLANOS and
JUAN MANUEL SANDOVAL,**

Defendants.

8:09CR453

ORDER

This matter is before the court on the motion to continue by defendant Jaime Perez-Valenzuela (Perez-Valenzuela) (Filing No. 36). Perez-Valenzuela seeks a continuance of the trial of this matter which is scheduled for April 12, 2010. Perez-Valenzuela's counsel has represented to the court that Perez-Valenzuela will submit an affidavit wherein Perez-Valenzuela represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and trial will be continued as to all defendants.

IT IS ORDERED:

1. Perez-Valenzuela's motion to continue trial (Filing No. 36) is granted.
2. Trial of this matter is re-scheduled for **June 1, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 26, 2010 and June 1, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 26th day of March, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge